

## Public Comment - Rulemaking to Modify Rules of Practice and Procedures for Power Plant Applications

Thirty individuals, groups and agencies made the effort to send in written public comments on the proposed siting regulations changes. The responses are edited here for a concise presentation. The full responses are available on the Web Site at [www.energy.ca.gov/siting/rulemaking/documents](http://www.energy.ca.gov/siting/rulemaking/documents) or from my office.

Roberta Mendonca, Public Adviser

	Comments from	Summation
1	Joan Joaquin-Wood, Landowner Sutter County	Ms. Wood submitted an article from 7/24 Press Democrat that supports her view of the rulemaking process underway. "State may limit public review of new power plants"
2	Anne E. Simon and Alan Ramo representing:  Ten Intervenor and Community Groups  (Communities For a Better Environment; Environmental Law and Justice Clinic, Golden Gate University; Our Children's Earth; Southeast Alliance for Environmental Justice; Bay-view Hunters Point Community Advocates; Environmental Defense; Environmental Health Coalition; Friends of the River; Global Exchange; Literacy for Environ- mental Justice; and West County Toxics Coalition)	"Most of the proposals sweep far too broadly, vastly and unnecessarily increasing the discretion of the presiding member and setting the stage for stifling public participation in the siting process and perpetuating environmental justice."  1212 "Taken together, the proposed revisions to subsections (b) and (c) and the proposed additions to subsection (e) would vest almost unlimited discretion in the presiding member to eliminate the most basic aspects of participation in the Energy Commission proceeding...This extraordinary expansion of discretion is not accompanied by <i>any standards at all</i> that would govern the exercise of that discretion. Basing the hearing procedure on the standardless discretion of the presiding member opens the door to inconsistent and arbitrary application of the restrictions on participation... and a raises the specter of discriminatory exercise of the broad discretion created."  1212b "The proposed changes would, predictably, have their most severe impact on those intervening parties who have the fewest resources: e.g., money, access to lawyers, access to technical experts... Such an drastic intrusion into the participation rights of the public cannot be justified by concerns about efficient case management, since the Energy Commission's regulations already provide for reasonable case management..."  1212c "should be rejected...the presiding member may arbitrarily eliminate the possibility of any participation..."  1212e "not only misguided, but pernicious. It vests, yet again, unlimited and standardless discretion in the presiding member..."  1712 "poorly drafted, confusing and potentially eliminate all rights of intervenors to file documents..."

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	Ten Intervenors (continued)	<p>1710h - "significant overreaction to relatively small problem...as drafted, by contrast, would allow unlimited private deals between applicants and staff as long as staff eventually put notes about the communications in the docket. The proposed revision would drastically erode public confidence in the legitimacy of the staff's work...Staff members will naturally be tempted to solve problems quickly with the applicant, rather than subjection such "solutions" to the public scrutiny they require."</p> <p>1714.5 "The Commission should reject this proposal, both because it is inconsistent with the Commission's responsibilities under CEQA, and because it leaves the Commission, applicants and other interested parties at the mercy of the priorities and approaches of other agencies..."</p> <p>No objections to 1741, 1748, 1752, and 1755. 1751 is ok if the words "hearing record" have the meaning they are given in Section 1702(h).</p>
3	Dennis Kennedy, Mayor City of Morgan Hill, Intervenor Metcalf	<p>"This letter is sent in protest of the emergency revisions to the licensing regulations proposed by Commissioner Laurie..."</p> <p>"Public participation by local agencies is critical to a full and complete examination of the impacts associated with the siting of a particular power plant...majority of topics considered are of local (and in most cases, only local) concern."</p> <p>".the commission must consider the rights of the local agencies and residents to be heard in matters which may directly affect their health, safety and welfare..."</p> <p>"Several of the proposed changes are particularly troubling to the City, including unlimited ex parte contacts, striking the requirement that oral testimony be sworn, and limiting intervenors' rights to meaningfully participate in the process... All of these changes signal a diminution of the public nature of the CEC licensing process and restrict the due process...when the Commission is considering issues which are critical to local residents, it should be a paramount concern that those local voices are heard (and indeed, required to be heard) as part of the licensing process."</p> <p>Do not amend Sections 1212, 1710, and 1712.</p>

4	Arthur D. Unger, Kern-Kaweah Sierra Club Pastoria Intervenor	<p>"I see no purpose in allowing any other sort of meeting, by any party without a publicly noticed workshop. Some intervenors may wish to know every word the applicant says to staff, rather than relying on a written record..."</p> <p>"...appreciated ability to cross examine witnesses...hope the ability of the intervenor to use oral testimony will not be reduced."</p> <p>"...I found (the CEC) consistent with the California Environmental Quality Act."</p>
5	Mary Griffin Kern Audubon Society Pastoria Intervenor	<p>"The Kern Audubon Society opposes any limiting of public participation for the siting process....the California Energy Commission should re-examine its procedures and expand public participation. (During the Pastoria Energy Facility siting case) it became apparent that there were many flaws in the planning documents...public participation is not just another form of regulation. Public participation delineates our values."</p>
6	Livingston and Mattesich	<p>1212 "...may have significant due process problems in cases with professional representation of the major parties. Additionally, the Commission Committees do not take consistent positions on issues and what may be some implied res judicata could create substantial problems..."</p> <p>1710 h "add ...<b><i>staff shall notify all parties and provide an opportunity to participate in the discussion</i></b>...in order to insure due process and the authenticity of the process a standard policy of access to al parties to staff discussions with the Applicants."</p> <p>1712 "This change is unnecessary see above."</p> <p>1714.5 "Sometimes the CEC staff testimony appears to be intrusive in other agencies areas as asserted expertise. However, historically, it has served to supplement the testimony of less than competent special agencies on occasion and to lessen the impact of subject mater or jurisdiction parochialism in others...We believe we are better off with a full-unfettered record..."</p> <p>1741 and 1751 "Removal of this section requires a replacement by the CEC's obligation to insure that for reliability purposes an appropriate minimum number of sites at appropriate locations are sited..."</p>

7	Joan Wood, Landowner Sutter County	<p>1212 "These new changes would be even more dangerous to the public interest, as they would allow the Energy Commission to decide what is a genuine dispute of material facts and which testimony would materially assist the Commission in reaching an "informed decision. How can the Commission be both jury an judge, deciding first to admit only that testimony that you have decided is genuine or of material assistance, then making a decision based on that evidence?"</p> <p>1212c and e "Of course it would be more efficient, but not in a democratic way! It should not be forgotten that the primary function and duty of the Energy Commission is to certify power plants for the <u>benefit of the public</u>.</p> <p>1212 b "Requiring written testimony in advance would be another exclusionary device."</p> <p>1710 a and h "...you wish to dispense with public notice for all meetings between parties involved in the certification process, including applicant staff, other agencies and any other affected parties, excepting only that staff will be tasked with making a written record... this is an egregious violation of the Brown Act...It encourages meetings away from public scrutiny."</p> <p>1712 "Another reduction in public participation."</p> <p>1714.5d "comments from other State agencies 'rule' and that these comments represent the position of the State of California on the subject... I do however agree that the State agencies should carry more weight with you than the applicant."</p> <p>1741b, 1748d and 1752 a "Perhaps the crisis has been exaggerated, and the emergency is over."</p> <p>"1751 "Agree..."</p> <p>"These proposed changes in the rules for public participation would subvert and distort our fundamental right to know an participate in the process. These are matters that will affect our lives for years to come, both in regard to health and work. Electricity is a public utility and we are the public. We have the right to be heard and you have a duty to listen to us."</p>
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8	Bradley E. Foster Sutter Intervenor	<p>"If there is to be meaningful improvements to the industry's original proposals, the public will need access to all meetings between the principal players, particularly those of the staff, industry representatives and other governmental agencies.</p> <p>"The public, as well as staff and other agencies, need more time to examine all the relevant factors involved in the siting process..."</p> <p>" ...it must be recognized that its initial proposals are likely to be those that will best serve its (the applicant's) goals (maximum profitability).</p> <p>"The current temporary energy crisis should not be viewed as a reason to shorten the review period for projects that will affect the state for the next several decades."</p>
9	<p>Louise H. Renne, City Attorney</p> <p>Theresa Mueller Jacqueline Minor Joseph Como Deputy City Attorneys</p> <p>City and County of San Francisco</p>	<p>The City and County of San Francisco...has reviewed the comments submitted by the Ten Intervenor and Community Groups. CCSF shares the concerns expressed in those comments and incorporates those comments herein by reference."</p> <p>"Local entities such as the CCSF have strong interest in ensuring that the Commission maintains an accessible public process in siting power plants. This is particularly so since the Commission's power plant certification can preempt local approvals. CCSF is concerned that these proposed changes might have escaped the notice of many local entities given the relatively short time period for comments."</p> <p>1212 "CCSF does not support the changes proposed in this section. It is inconsistent with law and the public interest to increase the discretion of the presiding member in a manner that could be used to limit the ability of the public to participate in the siting process."</p> <p>1710h "would undermine the intent of Section 1710(a) which provides that hearings, workshops and conferences must be open to the public. Notice of meetings after they occur does not fulfill the intent of this section or the law. The proposed changes should not be adopted."</p> <p>1714.5(d) CCSF believes this proposed change is unnecessary and inconsistent with existing legal standards. In practice, the Commission already affords "great deference" to the findings of other agencies to the extent such deference is consistent with the Commission's obligations under the law." This change should be rejected."</p>

10	Dr. N. A. Lindsay	"Clandestine government by the people who know best is so obviously inappropriate that no consideration should be given to these thoughts. It sounds sneaky."
11	Issa Ajlouny, Metcalf Intervenor	<p>"I am opposed to the proposed changes in Sections 1212, 1710, 1712 and 1714.5 of the Siting Regulations."</p> <p>"By allowing meetings to take place without public notice only takes away the fairness which is now in place...the only option they (homeowners) have is by becoming a participant in the energy Commission siting process. When you change the rules to give the applicant a free ride to certification you effectively restrict me from protecting those that I love. The current rules in place proved to be fair. Why change it to take away from the public and give to those that already have the advantage. You already have all the tools to manage each and every case before you."</p> <p>"Commissioner Laurie, you might feel the process allowed for wasted time in the Metcalf Case because of all the public participation..."To change the rules because of your experience in Metcalf is unfair...We as a community feel very good about our participation and would do it all over again."</p> <p>"Let's be honest, if it were not for the intervenors, the entire outcome of the PMPD would have looked different than it does today. Please respect the process and the rules that are in place today. I only ask you to look to enforce them and not let unnoticed conference calls with the CEC staff and applicant continue as it did in the Metcalf case."</p>
12	Jackie H. Williams Resident South San Francisco	<p>"Public notice and enough public hearings is essential to the process and we should have more not less!"</p> <p>1710h "Meeting between the parties TO DISCUSS ANY MATTER without public notice should not be allowed - too much at stake and too much is done behind closed doors already - stay above the fray and say NO to this change."</p> <p>1741 "You are affecting so many lives and not looking at alternatives because you are not allowed to but everyone is in such a hurry - slow down..."</p> <p>1212 "I do not want the power of the presiding member to be broadened by any change..."</p>

13	Noam Levey San Jose Mercury News	<p>"Under proposed new rules, the California Energy Commission, which has been under tremendous political pressure to approve more power plants, could soon allow extensive closed-door meetings between plant developers and regulators that are now prohibited."</p> <p>"...the proposed limits are fueling questions about California's commitment to serious environmental review of new plants, a process that has already been scaled back by new laws and executive orders designed to speed construction of plants in the face of the state's energy crisis."</p> <p>"Supporters of the current process point out that private citizens and other groups allowed into the process often raise issues and suggest changes to projects that make new power plants cleaner and more environmentally sensitive."</p> <p>"In the Metcalf debate, the neighborhood group and consultants...pushed the Commission to require Calpine to further insulate the plant to reduce noise and to install better emissions control technology to limit air pollution."</p> <p>"In Shasta County, the intervention of local residents and others led the developer of the Three Mountain power plant to dramatically reduce the amount of water the plant was slated to draw out of the nearby river."</p> <p>"Similar changes were made to a power plant in Sutter County...These changes could not have been made had the process been less open..."</p> <p>"If the Commission changes its rules, the Commissioner presiding over the review of a power plant could simply decide not to allow groups or individuals to present evidence or give testimony in hearings about the project."</p> <p>"The new regulations would allow private meetings between Commission staff members and power plant developers to discuss projects -- a stark change from the current practice. Now, parties to a power plant proposal are allowed to discuss substantive issues only in public meetings."</p>
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14	Joan Joaquin-Woods, Landowner Sutter County	<p>1212 "I think it would be insufficient protection of the public interest for the presiding member alone to be able to decide that written testimony could be required in order to give oral testimony, which could in turn then be limited. Written testimony, especially prepared under a deadline, might be incomplete, could be inadequate, could have become outdated..."</p> <p>"At the very least it would be too much power for one person..."</p> <p>One's man's <u>discretion</u> can be another man's <u>suppression</u>."</p> <p>"The free exchange of ideas, though time-consuming, is not always "efficient," but in the end usually gets the job done."</p> <p>1710 "I can't believe that de facto secret meetings between interested parties would be allowed, subject only to note-taking by Staff and subsequent memorializing in the docket, when Staff is one of the interested parties. If I understand the proposed change correctly, the public could only learn of such meetings if they were to obtain a complete copy of the entire case. (Is there even a procedure for this?)"</p> <p>1712 "Much of the language already on the books, particularly in this section, makes it clear that intervenors and members of the public who are not lawyers are at a serious disadvantage and may therefore be discouraged from participating. The language proposed seems to distance and disadvantage the public even more."</p>
15	William Claycomb Save Our Bay, Inc.	<p>"Now would not be a less appropriate time to modify regulations to further diminish public input to the power plant siting process..."</p> <p>"...a further step away from open democratic government..."</p> <p>1712 "...another step down the road away from democracy..."</p> <p>1714.5 "...shall be deemed position of the State ...smacks of the way Communist governments are run."</p>



16	Karen Schambach, California Coordinator Public Employee for Environmental Responsibility (PEER)	<p>"First, a number of the proposed changes to the regulations would restrict the rights of the public to participate in siting cases. Such participation is crucial...to have an open, public process..."</p> <p>"The opportunity for public scrutiny of the CEC's actions should be increased rather than restricted."</p> <p>"...technical staff typically does objective work, response to Public Records Act request reveals that management and staff counsel have an agenda to approve power plants at almost any cost to the environment and the local community."</p> <p>1212b "should not be added.."</p> <p>"In oral testimony parties often place particular emphasis on certain parts of their written testimony to ensure that decisionmakers take heed of their importance."</p> <p>"presiding member cannot know in advance..."</p> <p>"...the participation of the citizenry in the government is more important than efficiency"</p> <p>"The public rights ... should not be at the discretion of the presiding member."</p> <p>1212c "new wording...is too broad. Safeguards to ensure the appearance and reality of the objectivity of the CEC staff should be enhanced, not reduced."</p> <p>1710h "...the public should have the right to attend such meetings to hear the actual discussions and to ensure that any written record is complete and accurate."</p> <p>1714.5d "None of the proposed subsection (d) should be added to the regulations. 1) ..the mandate of another state agency may not be sufficiently broad to adequately consider all of the aspects of an issue... 2) CEC staff has substantial expertise on many environmental and engineering topics, and the Commission must consider the staff's position as well as the positions of other agencies..."</p> <p>"The hearing record is a subset of the evidentiary record. Therefore, the subsection should be worded as follows: The presiding member's proposed decision shall be based exclusively on the evidentiary record of the proceedings on the application, including the hearing record."</p>
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17	Mary Ann Greene Citizen	<p>"It would appear that these proposed changes to the siting regulations are designed specifically to deny citizens the right to be heard, and to question and scrutinize actions of the California Energy Commission..."</p> <p>1212b " requires advance written communication before hearings, in order to ore efficiently handle hearings. While efficiency may increase, the ability of average citizens to respond effectively will be greatly reduced, because notice of public meetings is rarely given to communities in a timely fashion."</p> <p>1710h makes it possible for substantive discussion and decisions to be made without public notice, because it removes the restrictions of exchange of information only.</p> <p>1714.5 "gives extraordinary deference to other state agencies. Reading this one would thing that the only persons capable of having accurate information and making decisions are paid staff. We would be subjected to the decisions of staff with whom we would be unable to communicate in advance of their decisions. Further, staff are protected from public scrutiny. This modification is the height of arrogance."</p> <p>"I urge you to reconsider these ill advised modifications in the interest of the public's right to know. In order for us to be an informed citizenry, we must have access to information, to public officials, to staff reports and ultimately, access to the decisions and rationales for actions, of those who represent State government on various Commissions, committees and in various agencies."</p>
18	Holly Duncan, Intervenor Ota Mesa	<p>The CEC should immediately cease certifying applications under Governor "Emergency" mandates as the finding of "a state of emergency in California is becoming more controversial.</p> <p>Develop new Air Quality modeling methodology and software as the current ones are scientifically worthless.</p> <p>Encourage greater public participation in all of the CEC's activities. Specifically, set up an Office of Public Advocates tasked to ensure representation of the public in any and all CEC proceedings.</p> <p>Develop a central focus on core competency that emphasizes rapid and "efficient" replacement of fossil-fuel spewers with renewable-and-zero emission energy technologies.</p>
19	Inga Sadek, Rio Linda Workshop attendee	<p>"We are asking that these workshops remain open to the public. Also any other meetings regarding the proposed energy plant should also allow the public to receive notice to attend.</p>

20	Michael Murphy, Intervenor Metcalf	<p>"I am outraged that you are proposing to dilute public participation in any manner..."</p> <p>"Admit public representatives to ALL meetings...where a proposed plant is being discussed.</p> <p>"Create increase representation through the Public Adviser's Office."</p> <p>"Create a pool of attorneys who will be available as legal counsel to intervenors...I most certainly do not feel the CEC is watching out for the best interests of the public good."</p>
21	Coalition of Homeowners Associations that Opposed Baldwin Hills (thousands of residents and voters, elected political representatives - Senator Kevin Murray, Assemblyman Herb Wesson, Congresswomen Diane Watson and Maxine Waters, Los Angeles County Board of Supervisors and Los Angeles City Council, the Advancement Project, Community Conservancy International, Heal the Bay, Coalition for Clean Air, concerned Citizens of South Central Los Angeles and Latino Urban Forum)	<p>"We oppose the draft modifications, first because they are illegal. They violate the Brown Act; the Bagley-Keene Open Meetings Act, and the Warren-Alquist Act."...second, because they are unconstitutional. They violate First Amendment rights to free speech and to petition the Government for redress of grievances. Fifth Amendment rights to due process of law, and Sixth Amendment rights to confront witnesses. Simply, as a state agency, the Commission has no right to write law. Nor does the Commission have a right to change the law without legislative approval."</p> <p>"...the Commission has no right to abuse regulations that limit contracts between parties. It has no right to operate in secret by convening conferences, meetings, workshops and site visits without public notice and participation."</p> <p>"...no right to negotiate between parties, nor make deals, in secret, with the public learning the substance and outcome of the negotiations only because a written record is placed into the docket after the fact, after a meeting has already taken place'; secret deal making does not encourage public confidence in a written record that may be subject to omission."</p> <p>"Frankly, as public officials appointed by an elected governor, as government staff paid with tax dollars, the Commission and its staff should be censured for calling to limit public notice, comment and participation."</p> <p>"...we demand that you comply with law and cease all consideration of any proposal to limit public participation. Again, we challenge you to comply with the letter and spirit of the law by expanding public notice, comment and participation."</p>

22	<p>Dr. Paulette Lagana, President Communities Against Pollution - Industrial Toxins (CAP-IT) Intervenor in Pittsburg/Los Medonas, Delta, and Contra Costa</p>	<p>"It is appalling to think that this erosion of public input is being proposed..."</p> <p>"CAP-IT strongly opposes the following proposed amendments to the rules of the California Energy Commission's process when licensing power plants in the State of California. We have participated as an Intervenor in three proposed licensing processes within the last three years. Based on that first hand experience, we oppose ANY changes that diminish the public's right to participate fully and with restriction."</p> <p>1710h "We OPPOSE. The proposed change would exclude the public from participation in and witnessing of informational exchanges and/or discussion of procedural issues...The public must be present to assure that the public's point of view and special circumstances are represented."</p> <p>1212 "We OPPOSE. he proposed change can only limit and inhibit public participation...So too, by expanding the power of the presiding member in the present climate of unreasonable rush to approve applications, can result in an overzealous inhibition of open and thorough debate."</p> <p>1712 "We OPPOSE. Limiting the Intervenor's right to cross-examination is unconscionable...you place a gag on an Intervenor's right and ability to participate."</p> <p>1714.5 "We OPPOSE. Giving deference to other agencies seems redundant."</p> <p>1755 d2 "We OPPOSE. The interests of the public, in general, and in the future of our children, in particular, MUST and WILL ONLY BE protected, supported, and assured when full public participation is guaranteed and upheld by YOU the public servant of the State of California."</p>
23	<p>Pete Mackin Cal-ISO</p>	<p>1714.5d "the Cal ISO supports the CEC Staff's comment requesting that this section not be added to the regulations...this section could unnecessarily restrict Staff in evaluating the impacts of a proposed project... the CEC Staff should have the freedom to determine the appropriate mitigation measures based on their independent evaluation of a project's environmental impact and not be restricted to only considering whether a State Agency's comments violate applicable State or Federal law."</p>

24	Dr. Henrietta Groot, President, Coastal Alliance on Plant Expansion, Morro Bay Intervenor  Amendment to first set of comments.	<p>"In addition to our earlier-sent comments, we wish to add that we have found the regulations currently in effect quite user-friendly, particularly as we experienced public notification of Workshops and Hearings in the process we are currently intervening in. So with respect to those regulations we prefer the status quo.</p> <p>1710 However, I find the current language with its triple negative confusing to this lay person. I hope 1710 means to say that exchanges between staff and the applicant need to take place in publicly noticed Workshops."</p> <p>"...we wish to point out that given the present climate of public scrutiny of energy matters, now is not the time to exclude the public from matters which may vitally affect them."</p>
25	Dr. Henrietta Groot, President Coastal Alliance on Plant Expansion, Morro Bay Intervenor  First set of comments; later amended.	<p>"...supports the staff's proposed changes to the draft siting regulations. We do so because those proposals serve to protect and strengthen the rights of citizens and intervenors like us to have our views considered as part of the record on which the Commission decisions are based."</p> <p>1710h "concur that it is reasonable to permit parties to meet and discuss matters related to the project without requiring public notice...by requiring the docketing as well as serving on all parties..."</p> <p>1712b "while we support in general any effort to strengthen the rights of the intervenors, we concur in the staff's comment that no other sections of the regulations describe their rights individually..."</p> <p>1714.5d "We support staff's proposal with respect to 1714.5...Commission staff should look at the larger picture that may exceed the purview of another regulatory agency. We concur that the staff should consider an agency's recommendations but also the broader environmental consequences of a project when reaching its conclusions."</p>
26	Tony Chapman, Sportsman Yacht Club Contra Costa Intervenor	<p>Mr. Chapman's remarks on 5/30/01 summed up his attitude toward intervention:</p> <p>"The course of this procedure was quite an experience for a new and one-time intervenor..."</p> <p>"...if we got to the end of it (siting case) and we believed that we created a better job than what showed up on their (staff's) desk a year ago, that she (Project Manager) was going to be proud of this project."</p>

27	Katherine S. Poole, Californians for Reliable Energy (CURE)	<p>"Because the current process has been effective, inclusive and efficient, it does not need a major overhaul...proposed changes threaten the very transparent and inclusive nature of the process that the Commission should strive above all to preserve. We urge the Committee to reject those changes and focus instead on safeguarding the public's right to participate in the regulation of these important facilities."</p> <p>1212 "...they would effectively allow the presiding member to deny that party the ability to affect the Commission's decision and, thereby, participating in the process. In addition, the proposed change does not include any standard by which the presiding member should make this important decision nor any restriction in favor of allowing a party to participate."</p> <p>1212c "...CURE has been party to several proceedings where the presiding member has routinely exercised the authority to limit oral testimony and cross examination. The proposed changes seem...wholly unnecessary."</p> <p>1212(e) "...the proposal would not only give the presiding member the ability to deny a party the right to present record evidence to be considered in the Commission's decision, but also the right to make legal arguments, conduct discovery and question any other party's evidence. ..In no sense would this proposal "enhance the ability of the parties to present information efficiently and effectively. It should be unequivocally rejected."</p> <p>1710h "The Commission has proposed to adopt by regulation language that the Legislature rejected earlier this year. The Commission should not seek to impose by fiat what the people's elected representative's have considered and rejected. The Committee should reject any changes to section 1710 that would allow ex parte contacts with Commissioners, Commissioner's advisors or Commission Staff on substantive issues."</p> <p>1714.5d "Staff believes that it should consider the agency's recommendations as well as the environmental consequences of the project when formulating recommendations on a project. We agree. In fact, CEQA requires that the Commission independently analyze a project's environmental impacts..."</p> <p>Suggested additions: Improve Consideration of Freshwater Impacts; Fuel Diversity Impacts; Market Impacts; and Discovery Disputes. Suggested language included for 1716(f).</p>
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28	Michael Boyd, President Californians for Renewable Energy (CARE)	<p>1710 "CARE contends that the proposed modification to the siting regulations fail to meet the notice requirements of the Bagley-Keene Open Meeting Act."</p> <p>1212 "CARE is very concerned about this continuing and gradually worsening trend of sacrificing the public participation and other aspects of environmental protection mandated by CEQA or other schemes in favor of expediting as much as possible the siting, construction and operation of power plants. An example of this is Commissioner Laurie's proposed modifications to the siting regulations which further limit intervenors and other member so the abilities to present evidence and cross-examine witnesses."</p> <p>"CARE notes that its inability to have information considered by the Commission because of artificial and unnecessary barriers imposed by the <u>existing process</u> has resulted in three US EPA Environmental Appeal Board appeals, two US EPA Office of Civil Rights complaints, and a CEQA law suit in Riverside County over the Blythe Energy Project. Commissioner Laurie's proposed modification to the siting regulation will only serve to exacerbate these problems, not correct them, which results in substantial delay and cost for the Commission, the Applicant, Intervenor, and the public."</p>
		<b>Comments supporting changes:</b>
29	Independent Energy Producers Association (IEP) by Ellison, Schneider & Harris	<p>"IEP applauds the proposed changes as they will simplify the siting process in a manner that is consistent with the public interest."</p> <p>1212b "...clarification of the Presiding Member's authority to place reasonable limitations on oral and written testimony will improve siting process..."</p> <p>1714.5 "...avoiding time-consuming and duplicative reproduction."</p> <p>1710h - Exception: "...record of conversation for discussions... may unduly burden effective and productive communication...may also have a chilling effect on communication between parties."</p> <p>1212 e "Believes that the Commission has existing authority... public comment procedures may be sufficient..."</p>
30	South Coast Air Quality Management District	"The District believes that local air pollution control agencies should also be accorded great deference when making recommendations within their area of expertise."